



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

AUDIT INFORMATION

Applicant Name:	Baystate Organic Certifiers (BOC)
Est. Number:	N/A
Physical Address:	683 River St. Winchendon, MA 01475
Mailing Address:	683 River St. Winchendon, MA 01475
Contact & Title:	Don Franczyk, Executive Director/Certification Administrator
E-mail Address:	baystateorganic@earthlink.net
Phone Number:	978-297-4171
Auditor(s):	Miguel A. Caceres
Program:	USDA National Organic Program (NOP)
Audit Date(s):	December 7 - 13, 2007
Audit Identifier:	NP7030MMB
Action Required:	No
Audit Type:	Corrective Action Audit
Audit Objective:	To verify that corrective actions adequately address the non-compliances identified from the previous on-site Accreditation Renewal Audit
Audit Criteria:	<ul style="list-style-type: none">• 7 CFR Part 205, National Organic Program, Final Rule, dated December 21, 2000; Updated September 11, 2006
Audit Scope:	The company's submitted corrective actions.
Location(s) Audited:	Desk

Baystate Organic Certifiers (BOC) submitted corrective actions dated July 24, 2007 and received by the auditor on August 10, 2007.

FINDINGS

The corrective actions submitted by BOC adequately addressed the eight non-compliances identified during the previous on-site Accreditation Renewal Audit which was conducted April 23 – 26, 2007.

NP7030MMB.NC1 – Adequately Addressed – NOP §205.203(c)(1)(ii) states, “The producer must manage plant and animal materials to maintain or improve organic matter content... (1) Raw animal manure, which must be composted unless it is: (ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles.” *The inspection report for one operation indicated that processed poultry manure was applied to a cranberry bog on June 24th and the harvest began on Oct 5th (103 days) and on June 22nd manure was*



**Livestock and Seed Program
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Quality System Audit Report**

*applied to another bog and harvest began on Oct 19th (119 days). BOC did not identify this as a non-compliance because it was applied 90 days before harvest. There was no crop present at the time of application, and the crop was harvested as a dry pick as opposed to wet pick. **Corrective Action:** BOC stated in the future they would review processed animal manures based on the NOP 5006 Processed Animal Manures policy dated July 16, 2007. If they do meet the requirements then they will be applied in accordance with §205.203(c)(1)(ii) or (iii), or a non-compliance would be identified.*

NP7030MMB.NC2 – Adequately Addressed – NOP §205.404(b)(2) states, “The certifying agent must issue a certificate of organic operation which specifies the: Effective date of certification.” *Certificates issued contained the date the certificate was revised/renewed and a “Certified Since” date which only reflects the year first certified and not the actual date. **Corrective Action:** Immediately following the audit all certificates issued now contain a “NOP Effective Date” along with a “Date Renewed”.*

NP7030MMB.NC3 – Adequately Addressed – NOP §205.405(a) states, “When the certifying agent has reason to believe, based on a review of the information specified in 205.402 or 205.404, that an applicant for certification is not able to comply or is not in compliance with the requirements of this part, the certifying agent must provide a written notification of noncompliance to the applicant.” and clause §205.403(c)(3) states, “The on-site inspection of an operation must verify: (3) That prohibited substances have not been and are not being applied to the operation...” *In one file reviewed for the witness inspection, there was a document titled “2005 Health Problems” and stated, “5/10 Ketosis Chili drenched with propylene glycol, 1 week 8 oz. 2x/day”. The witness inspection verified that the animal “Chili” was still under organic management and the milk produced was being used to manufacture organic cheese. This was not identified as a non-compliance during the previous inspections or certification reviews. An invoice in the file stated that the rennet being utilized was “Liquid Synthetic rennet, vegetarian, 1 litre.” There was no supporting documentation to indicate that a review had been conducted to verify that the rennet was not a synthetic and that no preservatives had been utilized in the product. BOC stated that they did not identify a non-compliance because the fact sheet on the product stated the product was Marzyme, and “Marzyme is an enzyme produced by the fermentation of a purified culture of the fungal *Mucor miehei*. The strain has been subjected to no genetic modification, ...” However, as previously noted there was no review conducted to ensure no prohibited preservatives were utilized. **Corrective Action:** BOC provided the Supplemental Inspection Report and “Additional Notes” to the witness inspection indicating that the operation had been notified of the Marzyme and treatment of the dairy cow “Chili” as a non-compliance and a potential non-compliance. BOC also provided the document *Additional Guidance for Organic Inspectors and Application Reviewers* which will be sent to the inspectors and reviewers on January 1, 2008. The dairy cow was removed from the operation and sent to slaughter and the Marzyme was replaced with an acceptable rennet product.*

NP7030MMB.NC4 – Adequately Addressed – NOP §205.501(a)(7) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Have an annual program review of its certification activities...” *The “Baystate Organic Certifiers Annual Program Review”, dated April 15, 2006, indicated that the annual program review consisted of reviewing all 2005 files for completeness; reviewing the administrative and program manuals to ensure the procedures were in compliance to the National Organic Standards; and reviewing the personnel files. The scope of the annual program review was not all inclusive of the certification activities because files were not reviewed to ensure the*



Livestock and Seed Program Audit, Review, and Compliance Branch Quality System Audit Report

certification process was conducted in accordance with the standards or that the organic system plans were in compliance with the standards. **Corrective Action:** Future annual program reviews will include a detailed review of specific certification files to ensure the certification process has been properly followed and meets the NOP requirements. Results of the reviews will be included in the annual program review report.

NP7030MMB.NC5 – Adequately Addressed – NOP §205.501(a)(11)(iv) states, “A private or governmental entity accredited as a certifying agent under this subpart must: Prevent conflicts of interest by: Not giving advice or providing consultancy services, to certification applicants or certified operations, for overcoming identified barriers to certification.” *The revised Administrative Manual version 1.6, section Conflict of Interest, item #6 states, “Inspectors, reviewers, and Decision makers are prohibited from giving advice or providing consultant services to applicants for certification, or to certified operations for the purpose of overcoming barriers to certification, if they are also reviewing, inspecting, or making the decision for that particular operation.” While BOC stated this does not occur the statement is not in compliance with the Rule. Corrective Action:* The statement “if they are also reviewing, inspecting, or making the decision for that particular operation” was removed from the Administrative Manual. The revised section was submitted for review.

NP7030MMB.NC6 – Adequately Addressed – NOP §206.642 states, “Fees charged by a certifying agent must be reasonable, and a certifying agent shall charge applicants for certification...only those fees and charges it has filed with the Administrator.” *BOC had a reciprocal agreement with MOFGA Certification Services, Unity, ME to certify each others operations when there was a conflict of interest or potential conflict of interest under clause §205.501(a)(11)(i). However, fees were not charged to the two MOFGA operations certified by BOC. Instead the operations were to pay the certification fees to their respective organizations. Corrective Action:* Following the audit the two operations were notified that they would have to pay the same certification fees as other certified operations. BOC stated the required fees were submitted and all certified operations would be required to submit the same fees.

NP7030MMB.NC7 – Adequately Addressed – NOP §205.662(b) states, “Resolution. When a certified operation demonstrates that each non-compliance has been resolved, the certifying agent... shall send the certified operation a written notification of non-compliance resolution.” *There was no notification of resolution sent to clients after they provided corrective actions. The executive director stated he had spoken with operation and notified them verbally. Corrective Action:* BOC stated all resolutions are recorded in an Excel spreadsheet and in the future, the log would specify a written resolution is required so that it is not forgotten.

NP7030MMB.NC8 – Adequately Addressed – The BOC revised Administrative Manual, version 1.6, page 37, states, “Commercial Availability Waivers, Sections 205.204(a)(1) and 205.606 of the National Organic Standards specify that commercial availability waivers may be granted to requirements of the National Organic Standards under specific conditions.” *This is an inaccurate portrayal of the Final Rule in that the referenced sections deal with exceptions for using non-organically produced, untreated seeds and planting stock and the use of specific nonorganically produced agricultural products and not granting waivers. Corrective Action:* This section of the Administrative Manual was revised and submitted for review. While BOC is still calling the document issued a “Commercial Availability



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

Waiver”, the verbiage was revised to more accurately reflect the requirements for exceptions in accordance with §§205.204(a)(1) and 205.606.